

UNITED STATES DISTRICT COURT

FILED

for the

MAR 01 2022

District of

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Division

Case No.

4-21-cv-47

(to be filled in by the Clerk's Office)

Virginia Gray Duncan

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Lindsay Buchanan -v-
LifePoint Health, Inc. c/o Little Mendelsohn PC
Southern TN Regional Health System - Winchester
2301 McGee St. Ste 800
Kansas City, MO 64108

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Amended**COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Virginia Gray Duncan

Street Address

610 Heritage Dr.

City and County

Tullahoma Coffee

State and Zip Code

TN 37388

Telephone Number

615-948-8505

E-mail Address

gimyduncanrd@gmail.com**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Southern TN Regional Health System - Winchester
Lifepoint Health, Inc. /o Liffert Mendelson, P.C.

Lindsay M. Buchanan

2301 McGee St Ste 800

Kansas City

MO 64108

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

Virginia G. Duncan

Street Address

185 Hospital Rd

City and County

Winchester Franklin

State and Zip Code

TN 37398

Telephone Number

931-967-8200

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

☐

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐

Other federal law (specify the federal law):

☐

Relevant state law (specify, if known):

☐

Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s) _____

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age *(year of birth)* 9/25/62 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date) _____

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) _____.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Back pay in the amount of \$10,670.00 (2% annually x 9 yrs 2013-2021)
2. Forward compensation for seriously impaired career trajectory until 2029, age 67 retirement, in the amount of \$590,000.00 (7 years salary with 3% inflationary annual increases)

3. Medical damages in the amount of \$19,760.00 for weekly chiropractic treatments since May 2016 for 4 years @ \$60/wk for \$12,480; @ \$70/wk for 2 yrs @ \$7,280.00

4. \$40,000 in Compensatory damages

5. Defendant will pay all ^{court} fees and expenses incurred by Plaintiff

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

3/1/22

Signature of Plaintiff

Virginia Gray Duncan

Printed Name of Plaintiff

Virginia Gray Duncan

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

3. Defendant Southern TN Regional Medical Ctr ^{Winchester} lives at, or its business is located at
185 Hospital Rd, Winchester
street address
Franklin, TN, 37398
county state zip code

(if more than one defendant, provide the same information for each defendant below)

4. Short and plain statement of your claim (state as briefly as possible the facts of your case and how each defendant is involved. You may use additional paper if necessary):

I was hired on 2/27/12 salaried exempt status
as a Clinical Dietitian. On 8/30/20, my supervisor
changed my status from exempt to non-exempt which was
requested by Human Resources after 8 1/2 years of service.
My employer began to harass me, which included but not
limited to, differences in pay from younger employees,
denied promotion, and denied equal terms and
conditions of employment. I took my concerns
regarding age discrimination, to Human Resources
but no corrective action was taken.

(See Attached Pages)

I first met with the HR Director (HRD), Lenore Blackwell, 4/13/21 to discuss concerns that my boss was discriminating against me as he had obtained 2 younger dietitians pay raises while simultaneously telling me it would help get me a title change and pay increase, yet nothing ever happened with my pay or title change. I expressed to the HRD I felt like my boss was suppressing me, preventing me from, and didn't want me to succeed, receive a title change, or a pay increase as had been promised based on the younger RD's starting pay rates dating back to 2014. She documented every part of our conversation. I never heard from her. I finally emailed and met for the 2nd time 8/7/20. She reviewed her notes taken from our 4/13/20 meeting and I gave her the attached salary commensurate with my 29 years experience calculated for the region from my professional organization, Academy of Nutrition and Dietetics. As far as pay, she stated we can get close but as far as your title change, I will have to consult the CEO, Clifford Wilson and former COO, Carolyn Sparks.

We met for the third time with my boss (Philip Cleek) present 8/14/21. Per the HRD, all the former O's mentioned above claimed to know nothing about my title change and pay raise, including my boss, which is false as I have emails dating back to 2016 that prove he knew. I was told at this time, there would be no title change and I would be changing from exempt to non exempt and to start clocking in 9/4/20 when I returned from vacation. When asked about a raise, the answer was no. The HRD's attitude was the opposite of our original meeting. I confronted my boss regarding his false statements he'd made to the HRD yet nothing was done regarding his blatant lying.

In my opinion, this was retaliation because I had asked about my title change and a pay increase that had been discussed since January 2016 while the hospital was dealing with Covid and I mentioned there was ongoing more favorable treatment to my younger more inexperienced colleague which existed long before Covid.

I was hired as exempt status from 2/27/12 and remained so until August 30, 2020, 8 ½ years. In August 2012, I hired a PRN RD from Feb 27th to August 2012. Until August 2012, I worked 10-12 hours every day as I was the only RD and had a very full plate. I precepted a student, Lorin Walker, whom I'd hired as a PRN RD in June 2013. Her rate of pay was \$19.38 which was market value at that time for her number of years of experience. In 2014, she convinced my boss to let her change from PRN to Full Time (FT) Exempt status so she could have benefits, this was done and she was never changed from her PRN rate of pay which meant she was being paid \$4.00 more per hour than market value based on her years of experience. Concerned about this, in speaking with my boss, he stated, "it would help me to obtain my title change and pay raise." Nothing happened. On a side note, my boss would allow her to come and go as she pleased, work not finished, he encouraged it in fact. She left in August 2016.

Another FT RD (0.8 FTE) (Stephanie Wiseman) was hired in September 2016 at \$2 above market value for her 0 years of experience. Originally, the HR Director at the time suggested we hire her at market value but my boss convinced HR to give her the higher rate of pay. Again, my boss said this would help me get my pay raise/title change. Again, it never happened. Ironically, when I interviewed the Current RD in 2016 for the job, I told her I would be her boss as that was how convinced I was my title change and pay raise were forthcoming.

I was hired in at \$26.00 /hour exempt salaried which was market value for my 20 years of experience at that time. I received a 1.6% pay raise (0.42 cents) to \$26.42 in 2012, received a 1.93% pay increase in 2014 from \$26.42 to 26.93 (0.51 cents), and from \$26.93 to \$27.33 (a 1.5% or 0.40 cent increase), and from \$27.33 to \$27.74 (1.5% or .41 cents) in August 2021. In almost 10 years of employment, I have received a total pay raise of only \$1.74 or 6.6%. One could hardly acknowledge that was any kind of substantial pay increase to keep up with the rising cost of inflation which is a minimum of 2% each year. If I would have received at minimum an annual cost of living increase of 2% annually, I should currently be making \$31.20 per hour which is \$3.46 less than what I currently make. This does not include any type of merit raise that I was promised along with my title change. Currently, I am worth \$32-\$35.00 per hour which is current market value for my 29 years experience as an RD (see attached as evidence).

I have 29 years experience. Next is Jennifer Brewer (PRN RD) with 18 years, Exa Odgen, (PRN RD), 13 years, and Stephanie Wiseman (FT RD, 5 years). I have 13 more years experience than the closest RD to me. Furthermore, I have

trained all of these dietitians as I assisted in hiring them all. There is 24 years difference in experience between myself and the other current FT RD. There just happens to be 30 years age difference between us as well. She is currently 29 (24 when hired) and I am 59 (49 when hired). I am in a managerial role. I am the sole owner of the Policies and Procedures and all must be approved by me; not even my boss can approve as he isn't an RD. My boss is just a Certified Dietary Manager (CDM) which requires 6 months to 1 year of training vs. 5 years for an RD. Typically, a CDM works under a RD and supervises the kitchen but the RD has more overall knowledge and skill set and is typically paid more than a CDM. The RD credential is always preferred over the CDM Credential due to the RD's extensive education and knowledge base. My boss has approximately 11 years experience as a CDM compared to my 29 years as an RD yet he is paid at least double what I am, probably more.

I had an excellent evaluation in Dec 2019 and was told by my boss and former COO I would get a raise. (See attached evaluation as evidence). Nothing was done. The Covid pandemic hit in March 2020. By this time, the hospital had all new young officers at the helm. A new young CEO, COO, CNO, and a new position was created, Administrative Director of Nursing Operations.

I'm 59 years old. I thought I would be retiring from STRHS Winchester. I feel by not paying me market value wage, they (the O's, my boss, HRD) are trying to force me to leave. My 89 year old father lives with me and I care for him. I'm I to uproot him and move elsewhere in order to obtain a higher paying job? This is unreasonable. They would prefer I quit rather than give me a raise because I make too much money in their opinion and the younger RD is cheaper and their favorite. I used to attend all committee meetings, etc but my boss has intentionally taken them from me and given them to her to make us appear more equal and justify them reclassifying me to non-exempt status. We aren't equal. I have 29 years experience versus her 5 years of experience. My boss has intentionally created a scenario where he is the only exempt employee in the department and doesn't clock in and out yet he over delegates and comes and goes as he pleases throughout the day. All of his kitchen employees cover for him except one. My boss has discriminated against me based on age; he has suppressed me since 2014 and continues to do so with ongoing remarks he has made over the course of the last 8 years in particular.

Since my charge of age discrimination was filed, my boss acts different towards me, almost avoiding me, afraid he'll slip up and say the wrong thing. Also, on 8/13/20, I was asked to meet with the HIPPA Officer (Janice Dodson) and my boss. The HIPPA Officer had a formal disciplinary action form ready for me to sign because I'd looked at my own medical record, which I know is a HIPPA violation. It was an accident. I explained I wanted to see what date I was to have a procedure done, and when I clicked on it, it populated labs from January 2020. The HIPPA Officer said she would not write it up and would tell the HRD, whom it came from, it was an accident. This seems retaliatory to me as just a month before at a town hall meeting, the CFO (Ethics and Compliance Officer) stated not to look at your own records, understanding sometimes it's done by accident, but if it continues, one would face disciplinary action. Why was I facing disciplinary action after this was said at a meeting a month before? I had looked at my record one time accidentally. Did the HRD decide she needed some type of disciplinary action on me because I've never had one before?

My boss and the CEO prefer my younger 29 year old colleague. I believe my boss prefers the younger RD's right out of school because they are less likely to question him about decisions he makes for the department due to my many years experience. My boss used to be both Director of Dietary and Environmental Services (EVS) and was given a \$10,000 annual pay increase. He failed and the hospital ended up contracting out EVS. I'm sure the O's didn't take away his \$10,000 pay increase. My boss has never been since I started and still isn't qualified to carry out his job duties and responsibilities as he over delegates (even payroll) and the only thing I see him doing is brown nosing everyone, especially the O's and gone from the hospital a lot. In fact, in 2014, I was asked by the interim CEO, Jerry Dooley, why wasn't I over the kitchen, I was the RD. When I was hired in Feb 2012, my boss told me at the time that even though I reported to him, we were equals. He stated, "You don't need to tell me your comings and goings as long as the job was done." I sure don't feel like an equal now.

Not only is this age discrimination, but this has felt like ongoing harassment leading to me being in a hostile work environment. I have attached emails of past illegal acts STRHS Winchester has committed against me. Delaying payment for FMLA, never paying me for 2 days worked when I was a salaried exempt employee even after I filed a claim

through HR, making me email time in the morning and when I left for the day while a salaried exempt employee, and changing me from exempt to non exempt status without giving me any reason as to why it was done.

STRHS Winchester has a culture of widespread discrimination not only related to age but also sex. If you aren't white, male, or young, forgot it. There is evidence of widespread age and sex discrimination regarding pay and promotions.

As the current HR Generalist (Dawn Casey) recently said, "This place is corrupt; they pick who to give raises to".

Names of Witnesses

Jennifer Brewer 931-607-8946 (Current PRN RD for STRHS Winchester)

Linda Bradford 931-308-6175 (Former employee for STRHS Winchester)

Jane Edwards 931-808-3545 (Former SNF Administrator for STRHS Winchester)

Misti Edwards 931-691-4177 (Current Director of Pharmacy for STRHS Winchester)

Dr. Louis Koella 931-636-4037 (Former STRHS Winchester/Sewanee SNF Medical Director)

Steve McClain 931-691-7571 (Former employee of STRHS Winchester)

Judy Merritt 931-224-5014 (Current FT RD for STRHS Pulaski)

Donna Pace 804-212-8652 (Current Cardiac Rehab Nurse for STRHS Winchester)

Dora Stewart 931-691-5745 (Current Kitchen Employee for STRHS Winchester)

Stephanie Wiseman 931-952-1672 (Current FT RD for STRHS Winchester)

RECEIVED

By Nashville Area Office at 1:19 pm, Jun 30, 2021

EEO-9 Form 5 (1/83)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

494-2021-02077

Tennessee Human Rights Commission

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. Virginia Duncan

Home Phone (incl. Area Code)

(615) 948-8505

Date of Birth

1962

Street Address

City, State and ZIP Code

210 Heritage Drive, Tullahoma, TN 37388

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

LIFE POINT HEALTH

No. Employees, Members

Unknown

Phone No. (Include Area Code)

(931) 967-8287

Street Address

City, State and ZIP Code

185 Hospital Rd., Winchester, TN 37398

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☒ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

08-30-2020

06-29-2021

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired by the above-named employer on February 27, 2012, as a Clinical Dietician. The company employs more than 20 employees.

On August 30, 2020, supervisor changed my status from exempt to non-exempt which it was requested by Human Resources. My employer began to harass me. Some of the harassment I was subjected to included, but was not limited to, differences in pay from younger employee, denied promotion, and denied equal terms and conditions of employment. I complained to Human Resources about age discrimination, but no corrective action was taken.

I believe that I have been discriminated and retaliated against because of my age (58), in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

6/29/21 Virginia Duncan
Date Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
☐ Termination of my employment.
☒ Failure to promote me.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.
☒ Retaliation.
☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

January 2016 to present

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
☐ color _____
☐ gender/sex _____
☐ religion _____
☐ national origin _____
☒ age *(year of birth)* 1962 *(only when asserting a claim of age discrimination.)*
☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* _____.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Virginia Duncan**
210 Heritage Drive
Tullahoma, TN 37388

From: **Nashville Area Office**
220 Athens Way
Suite 350
Nashville, TN 37228



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

494-2021-02077

Sylvia D. Hall,
Supervisory Investigator

(629) 236-2258

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

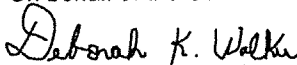
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



09/02/2021

Enclosures(s)

Deborah K. Walker,
Area Office Director

(Date Issued)

cc:

Jennifer Robinson
Shareholder Attorney
Littler Mendelson, P.C.
2301 MCGEE ST
STE 800
Kansas City, MO 64108